

REMARKS

The Office Action dated July 23, 2008 has been fully considered by the Applicant.

Claim 10 is currently amended. Claims 2-5 are as originally filed. Claims 11- 18 and 20 have been canceled. Claims 1, 6-9 and 19 have been previously presented.

Enclosed is a Petition For Three-Month Extension of Time and a check in the amount of \$1110 to cover the cost of the fee.

Claim 10 has been currently amended to remove the parentheses as requested by Examiner Wong.

Claims 1-10, 19 have been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 7,171,647 to Smith et al. Examiner Wong has requested that Applicant submit a fully executed Declaration under 37 CFR §1.132 to show that the cited reference is not by “another”.

Enclosed is a fully executed Declaration Of Common Inventor Under 37 CFR §1.132. Applicant believes that this Declaration properly shows that United States Patent No. 7,171,647 is not by another and therefore overcomes the 102(e) rejection.

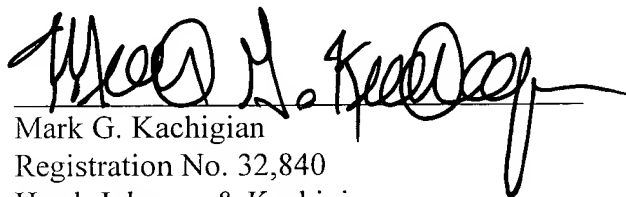
Examiner Wong has further requested a copy of the user’s manual of Mood and “Witness” that was released prior to August 1, 2000 (i.e. 102(b) date). Enclosed herewith is a copy of the “Mood 2000 Business Development And Transformation Instruction Guide” having a revision date of July 2000. The “Witness” product requested by Examiner Wong is not a product that is produced or provided by Applicants or Assignee and, therefore, Applicant and Assignee do not have any literature regarding the “Witness” documents requested.

Neither Applicants nor Assignee have any further materials responsive to the Examiner’s request. Applicants’ response herein is with candor and good faith as required under 37 C.F.R. §1.56.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is respectfully requested. If any fees are associates with this action, the Examiner is authorized to credit deposit account No. 08-1500.

HEAD, JOHNSON & KACHIGIAN

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', written over a horizontal line.

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Date: 22 January 2009